

### REMARKS/ARGUMENTS

Claims 1-8 remain pending in this application. Claims 6 and 8 have been amended to correct typographical errors in the claims, changing the word "filed" to "field" in each. Claims 3 and 4 have been amended to clarify aspects of the present invention. Support for the amendments to claims 3 and 4 is found in the original application, at page 3, lines 15-16 and at page 4, lines 1-2, support is also found in original claims 1 and 2. Thus, Applicant believes that the present amendments do not add new matter to the application.

#### Objections

In the Office Action of November 10, 2003, the examiner objected to the phrase "filed for time" in claims 6 and 8, and suggested that Applicant change the phrase to "field for time" in both claims. By the amendment submitted herewith, Applicant has amended claims 6 and 8 to incorporate the examiner's suggested changes, and believes the examiner's objection on this point is now moot.

#### Rejections Under 35 U.S.C. §102

Also in the Office Action of November 10, 2003, the examiner rejected claims 1-8 under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,437,024 to French ("French"). Applicant respectfully traverses the rejection for the reasons set forth below.

#### *Claims 1-4*

The present application is directed to a method or system in which data is formatted and then stored until an external monitoring facility *extracts* that data from the system. Independent claims 1 and 2 of the present application require, among other things, the step of "storing the formatted data in a file for *extraction* by the external monitoring facility." Similarly, independent claims 3 and 4 (as amended) of the present application require, among other things, "storing the formatted data in a file for *extraction* by an external monitoring facility." As

described in the original application, once the data is formatted, "the data 34 is stored as a formatted file 37 in the computing environment" (original application, page 10, lines 19-20). Furthermore, the file may be stored "until the external monitoring facility requests the data" (original application , page 10, lines 20-23).

Thus, the specification and claims of the present application describe a method or system where data is formatted, and then stored until an external monitoring facility contacts the system and *extracts the data from* the system.

By contrast, French discloses a system employing an automatic distribution system whereby formatted data is *automatically* sent to one or more *predetermined* recipients (see French, column 5, lines 1-5). The examiner cites French generally as disclosing a system in which data is stored for later extraction by a remote station, and specifically cites portions of French that state:

"a plurality of interrelated databases are used to store and provide the information necessary for the distribution of hospital reports and other information";

"Five databases 16 are illustrated in FIG. 1. A physician name table 16a contains entries for names 41 of physicians, who may be intended recipients of reports"; and

"In this way, a report destined for Dr. Smythe is distributed as quickly as possible despite the variations in the spelling or identification of Dr. Smythe in the data field of the report."

The examiner further states that the above teaching of French "clearly reads on" the claim limitation of the present application, namely that formatted data is stored for extraction by an external monitoring facility.

Applicant respectfully disagrees. In fact, French in general, and the specific portions of French cited by the examiner, do not disclose formatted data being *stored* for later *extraction* by a remote monitoring facility. As is clearly stated in the portions of French cited by the examiner: "databases are used to store and provide the information necessary for the

distribution of hospital reports" and "a physician name table contains entries for ... intended recipients of reports". Thus, French discloses an *automated* system whereby information *already at the central system* is used to *initiate and send* a report to a *predetermined* recipient. By contrast, the claims of the present application require that the system store the formatted data for *extraction by* a remote monitoring facility.

There is no disclosure in French of a non-predetermined remote station initiating contact with, and *extracting data from*, the central system as is required in all of the claims of the present application. In fact, throughout, French discloses only a *one-way* system in which data from the central system is *automatically distributed* to a *pre-determined* group of recipients, based on information *already present* at the central system:

"...automatically distributing the report to at least one identified intended report recipient." (French, abstract).

"... find a matching database entry, providing destination information for the report from the matching database entry; and in response to the provision of destination information, distributing the report to the destination corresponding to the destination information, whereby the report is distributed to the report recipient." (French, column 4, lines 10-17)

"The program is further operative for examining the print file for the presence of predetermined identifying indicia, and carrying out the steps of the method for locating destination for a given report contained in the database" (French, column 4, lines 63-68)

"The report is then automatically transmitted, for distribution, via the fax modem to one or more destinations identified in the method as intended recipients of the report" (French, column 5, lines 1-5)

As can be seen, French discloses only a system in which reports are distributed based upon a predetermined list of intended recipients. Thus, the approach disclosed in French of automatically sending reports to predetermined recipients is the antithesis of the invention

claimed in the present application. The claims of the present application are directed to a system and method in which the recipients of the formatted data are not pre-determined, but are self-selected, recipients must independently contact the central system and *extract* the desired data file.

Applicant respectfully submits that French does not disclose storing the formatted data *for extraction by an external monitoring facility*, as required in all claims of the present application. Thus, the examiner's rejection of claims 1-4 of the present application is improper, and should be withdrawn.

*Claims 4-8*

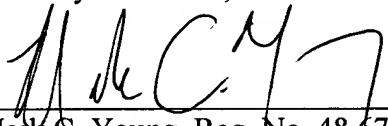
Claims 4-8 depend from independent claims 1 and 3, discussed above. Since claims 1 and 3 are allowable for the reasons discussed above, claims 4-8 are thus also allowable, and the examiner's rejection should be withdrawn.

For the reasons stated above and the amendments submitted herewith, Applicant believes that the claims of the present application are in condition for allowance and eventual issuance, and such action is respectfully requested

Should the Examiner have any further questions or comments which need to be addressed in order to obtain allowance, he is invited to contact the undersigned attorney at the number listed below.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

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